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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Andy H. Levine, David A. Melanson and John C. Meade  
Application No.: 10/726,011 Group Art Unit: 3739  
Filed: December 2, 2003 Examiner: Not assigned  
Confirmation No.: 2628  
Title: ANTI-OBESITY DEVICES



CERTIFICATE OF MAILING OR TRANSMISSION	
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<u>11/22/04</u> Date	<u>Margaret A. Norcett</u> Signature
<u>Margaret A. Norcett</u> Typed or printed name of person signing certificate	

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.129(a), or  
(First/Second submission after Final Rejection)
- ☒ under 37 CFR 1.97(b), or  
(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).
- ☐ under 37 CFR 1.97(c) together with either:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, or
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, and
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)
- ☐ under 37 CFR 1.97(i):  
Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.  
(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
- ☒ Copies of the cited references are enclosed.
- ☒ Since this application was filed after June 30, 2003, copies of issued U.S. patents and published U.S. applications are not required and are not being provided.
- ☐ Copies of the cited references are enclosed except those entered in prior application, U.S. Application No. [ ], to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]
- ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.
- ☒ The "concise explanation" requirement (non-English references) for references AN, AO and AQ2 under 37 CFR 1.98(a)(3) is satisfied by:
- ☐ the explanation provided on the attached sheet.
- ☐ the explanation provided in the Specification.
- ☐ submission of the enclosed International Search Report.
- ☐ submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.
- ☒ the enclosed English language abstracts.

☐ Applicant requests that the following non-published pending applications be considered:

Examiner's  
Initials

\_\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]

\_\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]

\_\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]

\_\_\_\_\_  
Examiner

\_\_\_\_\_  
Date

☐ A copy of each above-cited application, including the current claims, is enclosed.

☐ A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [ ], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.

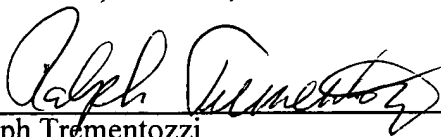
☐ Please charge Deposit Account 08-0380 in the amount of \$[ ]. A copy of this Statement is enclosed.

☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By

  
Ralph Tremontozzi

Registration No.: 55,686

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: Nov. 19, 2004

PTO-1449 REPRODUCED

ATTORNEY DOCKET NO.  
3588.1000-001APPLICATION NO.  
10/726,011INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

November 19, 2004

(Use several sheets if necessary)

FIRST NAMED INVENTOR  
Andy H. LevineFILING DATE  
December 2, 2003EXAMINER  
Not assignedCONFIRMATION NO.  
2628GROUP  
3739

## U.S. PATENT DOCUMENTS

EXAM- INER INI- TIAL	REF. NO.	DOCUMENT NUMBER Number-Kind Code (if known)	ISSUE DATE / PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT
	AA	1,899,781	02/28/1933	Twiss
	AB	2,464,933	03/22/1949	Kaslow
	AC	3,780,740	12/25/1973	Rhea
	AD	4,133,315	01/09/1979	Berman et al.
	AE	4,134,405	01/16/1979	Smit
	AF	4,270,542	06/02/1981	Plumley
	AG	4,279,251	06/21/1981	Rüsch
	AH	4,315,509	02/16/1982	Smit
	AI	4,403,604	09/13/1983	Wilkinson et al.
	AJ	4,416,267	11/22/1983	Garren et al.
	AK	4,501,264	02/26/1985	Rockey
	AA2	4,580,568	04/08/1986	Gianturco
	AB2	4,607,618	08/26/1986	Angelchik
	AC2	4,641,653	02/10/1987	Rockey
	AD2	4,648,383	03/10/1987	Angelchik
	AE2	4,763,653	08/16/1988	Rockey
	AF2	4,823,808	04/25/1989	Clegg et al.
	AG2	4,878,905	11/07/1989	Blass
	AH2	5,035,706	07/30/1991	Gianturco et al.
	AI2	5,037,387	08/06/1991	Quinn et al.
	AJ2	5,041,126	08/20/1991	Gianturco
	AK2	5,057,091	10/15/1991	Andersen
	AA3	5,152,756	10/06/1992	Quinn et al.
	AB3	5,236,423	08/17/1993	Mix et al.
	AC3	5,279,553	01/18/1994	Winkler et al.
	AD3	5,282,824	02/01/1994	Gianturco

EXAMINER

DATE CONSIDERED

PTO-1449 REPRODUCED  <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  November 19, 2004  (Use several sheets if necessary)	ATTORNEY DOCKET NO. 3588.1000-001		APPLICATION NO. 10/726,011	
	FIRST NAMED INVENTOR Andy H. Levine		FILING DATE December 2, 2003	
	EXAMINER Not assigned		CONFIRMATION NO. 2628	GROUP 3739

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	AE3	5,306,300	04/26/1994	Berry
	AF3	5,314,444	05/24/1994	Gianturco
	AG3	5,314,472	05/24/1994	Fontaine
	AH3	5,318,530	06/07/1994	Nelson, Jr.
	AI3	5,364,353	11/15/1994	Corfitsen et al.
	AJ3	5,387,235	02/07/1995	Chuter
	AK3	5,401,241	03/28/1995	Delany
	AA4	5,443,498	08/22/1995	Fontaine
	AB4	5,456,713	10/10/1995	Chuter
	AC4	5,507,767	04/16/1996	Maeda et al.
	AD4	5,507,771	04/16/1996	Gianturco
	AE4	5,562,697	10/08/1996	Christiansen
	AF4	5,569,219	10/29/1996	Hakki et al.
	AG4	5,611,787	03/18/1997	Demeter et al.
	AH4	5,624,430	04/29/1997	Eton et al.
	AI4	5,630,797	05/20/1997	Diedrich et al.
	AK4	5,662,713	09/02/1997	Andersen et al.
	AK4	5,665,064	09/09/1997	Bodicky et al.
	AA5	5,693,084	12/02/1997	Chuter
	AB5	5,715,832	02/10/1998	Koblish et al.
	AC5	5,720,776	02/24/1998	Chuter et al.
	AD5	5,755,777	05/26/1998	Chuter
	AE5	5,800,456	09/01/1998	Maeda et al.
	AF5	5,800,526	09/01/1998	Anderson et al.
	AG5	5,820,584	10/13/1998	Crabb
	AH5	5,843,164	12/01/1998	Frantzen et al.

EXAMINER	DATE CONSIDERED
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	AI5	5,876,445	03/02/1999	Andersen et al.
	AJ5	6,074,673	06/13/2000	Guillen
	AK5	6,099,552	08/08/2000	Adams
	AA6	6,200,336 B1	05/13/2001	Pavcnik et al.
	AB6	6,251,132 B1	06/26/2001	Ravenscroft et al.
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	AD6	6,322,538 B1	11/27/2001	Elbert et al.
	AE6	6,331,190 B1	12/18/2001	Shokoohi et al.
	AF6	6,332,877 B1	01/25/2001	Michels
	AG6	6,387,114 B2	05/14/2002	Adams
	AH6	6,450,989 B2	09/17/2002	Dubrul et al.
	AI6	6,485,409 B1	11/26/2002	Voloshin et al.
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	AK6	6,524,335 B1	02/25/2003	Hartley et al.
	AA7	6,524,336 B1	02/25/2003	Papazolgou et al.
	AB7	6,530,951 B1	03/11/2003	Bates et al.
	AC7	6,537,247 B2	03/25/2003	Shannon
	AD7	6,540,789 B1	04/01/2003	Silverman et al.
	AE7	6,558,400 B2	05/06/2003	Deem et al.
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	AG7	6,589,213 B2	07/08/2003	Reydel
	AH7	6,589,275 B1	07/08/2003	Ivancev et al.
	AI7	6,656,194 B1	12/02/2003	Gannoe et al.
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	AA8	6,695,875 B2	02/24/2004	Stelter et al.

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	FIRST NAMED INVENTOR <b>Andy H. Levine</b>		FILING DATE <b>December 2, 2003</b>	
	EXAMINER <b>Not assigned</b>		CONFIRMATION NO. <b>2628</b>	GROUP <b>3739</b>

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	AB8	6,699,263 B2	03/02/2004	Cope
	AC8	6,755,869 B2	06/29/2004	Geitz
	AD9	6,773,440 B2	08/10/2004	Gannoe et al.
	AE8	2001/0020190 A1	09/06/2001	Taylor
	AF8	2002/0151953 A1	10/01/2002	Chobotov et al.
	AG8	2002/0183768 A1	12/05/2002	Deem et al.
	AH8	2002/0193828 A1	12/19/2002	Griffin et al.
	AI8	2002/0040804 A1	02/27/2003	Stack et al.
	AJ8	2003/0040808 A1	02/27/2003	Stack et al.
	AK8	2003/0050684 A1	03/01/2003	Abrams et al.
	AA9	2003/0109892 A1	06/12/2003	Deem et al.
	AB9	2003/0109931 A1	06/12/2003	Geitz
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	AD9	2003/0120265 A1	06/26/2003	Deem et al.
	AE9	2003/0149467 A1	08/01/2003	Linder et al.
	AF9	2003/0191476 A1	10/09/2003	Smit
	AG9	2003/0199989 A1	10/23/2003	Stack et al.
	AH9	2003/0199990 A1	10/23/2003	Stack et al.
	AI9	2003/0199991 A1	10/23/2003	Stack et al.
	AJ9	2003/0208260 A1	11/01/2003	Lau et al.
	AK9	2003/0233140 A1	12/18/2003	Hartley et al.
	AA10	2004/0024386 A1	02/05/2004	Deem et al.
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	AE10	2004/0117031 A1	06/17/2004	Stack et al.

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	<b>FIRST NAMED INVENTOR</b> Andy H. Levine		<b>FILING DATE</b> December 2, 2003	
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	AF10	2004/0122452 A1	06/24/2004	Deem et al.
	AG10	2004/0122453 A1	06/24/2004	Deem et al.
	AH10	2004/0133147 A1	07/08/2004	Woo
	AI10	2004/0136971 A1	07/15/2004	Scharp et al.
	AJ10	2004/0138525 A1	07/15/2004	Saadat et al.
	AK10	2004/0138529 A1	07/15/2004	Wiltshire et al.
	AA11	2004/0138760 A1	07/15/2004	Schurr
	AB11	2004/0138761 A1	07/15/2004	Stack et al.
	AD11	2004/0143342 A1	07/22/2004	Stack et al.
	AD11	2004/0148034 A1	07/29/2004	Kagan et al.
	AE11	2004/0153167 A1	08/05/2004	Stack et al.
	AF11	2004/0158331 A1	08/12/2004	Stack et al.
	AG11	2004/0172063 A1	09/02/2004	Li et al.
	AH11	2004/0172141 A1	09/02/2004	Stack et al.
	AI11	2004/0172142 A1	09/02/2004	Stack et al.
	AJ11	2004/0172143 A1	09/02/2004	Geitz
	AK11	2002/0091439 A1	07/11/2002	Baker et al.
	AA12	2004/0107004 A1	06/03/2004	Levine et al.

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FOREIGN PATENT DOCUMENTS						
		DOCUMENT NUMBER Country Code-Number-Kind Code (if known)	DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT	TRANSLATION YES NO	
✓	AL	EP 0278937 B1	10/06/1993	Bengmark		
✓	AM	EP 0754017 B1	01/22/1997	Scimed Life Systems, Inc.		
✓	AN	EP 0843538 B1	05/27/1998	Fourere		X
✓	AO	JP 04212348	08/03/1992	Olympus Optical Co. Ltd.		X
✓	AP	WO 00/12027	03/09/2000	Endonetics, Inc.		
✓	AQ	WO 00/42949	07/27/2000	Gore Enterprise Holdings, Inc.		
✓	AL2	WO 01/45485 A2	06/28/2001	IT-Medical AG, Inc.		
✓	AM2	WO 02/096327 A2	12/05/2002	Satiety, Inc.		
✓	AN2	WO 03/017882 A2	03/06/2003	Synecor, LLC		
✓	A02	WO 03/086246 A1	10/23/2003	Barosense, Inc.		
✓	AP2	WO 03/086247 A1	10/23/2003	Barosense, Inc.		
✓	AQ2	WO 03/086360 A1	10/23/2003	Beisel		X
✓	AL3	WO 03/094785 A1	11/20/2003	Egan et al.		
✓	AM3	WO 2004/064680 A1	08/05/2004	Barosense, Inc.		
✓	AN3	WO 2004/064685 A1	08/05/2004	Barosense, Inc.		
✓	AO3	WO 2004/069331 A2	08/19/2004	Enteromedics, Inc.		
✓	AP3	WO 2004/069332 A1	08/19/2004	Enteromedics, Inc.		
✓	AQ3	WO 00/32137	06/08/2000	Wilson-Cook Medical, Inc.		
✓	AL4	EP 0 480 667 B1	04/15/1992	Cook Incorporated		
✓	AM4	WO 2004/049982 A2	06/17/2004	GI Dynamics, Inc.		
✓	AN4	WO 2004/087014 A2	10/14/2004	GI Dynamics, Inc.		
✓	AO4	WO 2004/087233 A2	10/14/2004	GI Dynamics, Inc.		

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	EXAMINER Not assigned		CONFIRMATION NO. 2628	GROUP 3739

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
AR	✓	Yates III, M. R., et al., "Palliation of Malignant Gastric and Small Intestinal Strictures With Self-Expandable Metal Stents," <i>Endoscopy</i> 30:266-272 (1998).
AS	✓	Bethge, N., et al., "Human tissue responses to metal stents implanted in vivo for the palliation of malignant stenoses," <i>Gastrointestinal Endoscopy</i> 43(6):596-602 (1996).
AT	✓	Binkert, C. A., et al., "Benign and Malignant Stenoses of the Stomach and Duodenum: Treatment with Self-expanding Metallic Endoprostheses," <i>Radiology</i> 199(2):335-338 (1996).
AU	✓	Cwikel, W., et al., "Self-expanding Stent in the Treatment of Benign Esophageal Strictures: Experimental Study in Pigs and Presentation of Clinical Cases," <i>Radiology</i> 187(3):667-671 (1993).
AV	✓	Dolan, K. et al., "Treating Diabetes in the Morbidly Obese by Laproscopic Gastric Band," <i>Obesity Surgery</i> , Vol. 13, pp. 439-443 (2003).
AW	✓	Park, B.P. et al., "Malignant Obstruction of Gastric Outlet and Duodenum: Palliation with Flexible Covered Metallic Stents," <i>Radiology</i> 219(3):679-683 (2001).
AX	✓	Dormann, A.J. et al., "Self-expanding metallic stents for continuous dilatation of benign stenosis in gastrointestinal tract - first results of long-term follow-up in interim stent application in pyloric and colonic obstructions," <i>Z Gastroenterol</i> 39:957-960 (2001).
AY	✓	Pories, W.J., "Why Does the Gastric Bypass Control Type 2 Diabetes Mellitus?" <i>Obesity Surgery</i> , 2:303-313 (1992).
AZ	✓	Pories, W.J., et al., "Etiology of Type II Diabetes Mellitus: Role of the Foregut," <i>World J. Surg.</i> , 25:527-531 (2001).
AR2	✓	Rubino, F., et al., "Potential of Surgery for Curing Type 2 Diabetes Mellitus," <i>Annals of Surgery</i> 236(5):554-559 (2002).
AS2	✓	Sandha, G. S. and Marcon, N. E., "Expandable Metal Stents For Benign Esophageal Obstruction," <i>Gastrointestinal Endoscopy Clinics of North America</i> 9:(3)437-446 (1999).
AT2	✓	Feretis, C., et al., "Palliation of Malignant Gastric Outlet Obstruction with Self-Expanding Metal Stents," <i>Endoscopy</i> 28:225-228 (1996).
AU2		
AV2		

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